

## **REMARKS**

The Applicant has filed the present Response in reply to the outstanding Final Official Action of July 6, 2005, and the Applicant believes the Response to be fully responsive to the Official Action for the reasons set forth below in greater detail.

At the onset, Applicant would like to note that independent Claim 11 has been amended herewith. The claim has been amended to incorporate the subject matter of dependent Claim 13. Additionally, the limitation of “a detecting circuit provided in the external device for calculating a luminance distribution of the images” has been added. Dependent Claims 14-16 have been amended to depend from Claim 11. Independent Claim 24 has been amended. to depend from Claim 11. Additionally, Claim 24 has been amended to depend from Claim 11 and to add the steps of calculating a luminance distribution of the image by the external device and calculating a data parameter on the basis of the luminance distribution. Steps (f) and (g) have been rewritten to clarify the claim. Claim 24 now recites “(f) rewriting the data parameter in the storage device in the capsule medical device and (g) acquiring the image of the body cavity on the basis of the data parameter in the storage device. Claims 27 and 28 have been amended to change their dependency. No new matter has been entered into the disclosure by way of the above amendments.

Applicant further respectfully submits new Claims 29-36 for examination. Claims 29, 30, 34 and 35 are directed to the correction amount calculating circuit recited in Claim 11. Claims 31-33 are directed to the detecting circuit. Claim 36 depends from Claim 24 and is directed to repeating the method steps. Claims 1-10, 12, 13, 17-23, and 25 have been cancelled without prejudice to their reintroduction into this or any later related application. No new matter has

been added to the application by the aforementioned amendments and new claims. For example, support therefor can be found at pages 12, 16-18.

Applicant submits that the Examiner's objection to Claim 6, and rejection of Claim 25 has been rendered moot based upon the above cancellations.

Additionally, Applicant respectfully submits that all of the pending claims, including the new claims are patentably distinct from the cited references. The claimed invention is directed to a system and method of performing color correction of an image taken by a capsule medical device and exposure correction. None of the references teach the above-identified object of the invention. Specifically, none of the references teach a detection circuit that calculates a luminance distribution (in the external device) of the image acquired by the image acquiring device of the capsulated medical device and a correction amount calculating circuit that generates at least one data parameter from the luminance distribution and that the image acquiring device of the capsule medical device operates on the basis of the data parameter obtained from the luminance distribution.

Thus, the claimed circuit structure and function, as recited in Claims 11 and 24, is neither taught nor suggested by the cited references.

Specifically, the references do not teach a method to control, from an external device, the light receiving operation in the image-capturing device. Additionally, there is no suggestion to (i) calculate a luminance distribution (by the external device) and (ii) based upon this luminance distribution, generating the most suitable photographing condition for the image capturing device located inside the body.

Accordingly, the references fail to teach all of the limitations of independent Claim 11 and method Claim 24.

Additionally, none of the references teach that the correction amount calculating circuit has reference data which is previously stored and calculates the data parameters on the basis of the reference data, as specifically recited in Claim 29; the reference data is a histogram of standard luminance distribution positions, as specifically recited in Claim 30; the detecting circuit is a color balance and brightness detecting circuit for calculating a histogram of brightness in the image, as specifically recited in Claim 31; the detecting circuit is a color balance and brightness detecting circuit for calculating the luminance distribution of green, blue and red components in the image, as recited in Claim 32.

Additionally, none of the references teach the calculation of any of the parameters claimed in Claims 33-35: detecting circuit is an image position detecting circuit for calculating the luminance distribution of the image, Claim 33; an effective imaging range of the image acquiring device from the luminance distribution of the image, Claim 34; a horizontal start position, a horizontal end position, a vertical start position and a vertical end position for the image sensor on the basis of the luminance distribution of the image, Claim 35.

Applicant submits that Claim 36 is patentably distinct from the cited references because the references fail to teach all of the method steps of Claim 24, therefore, the references cannot teach repeating the steps.

Claims 14-16 and 26-28 are patentable based upon the reasons identified above.

For all the foregoing reasons, the Applicant respectfully requests that the Examiner withdraw the rejection of Claim 24 pursuant to 35 U.S.C. § 102(a). Furthermore, the Applicant respectfully requests that the Examiner withdraw rejections of Claims 11, 14-16, and 26-28, pursuant to 35 U.S.C. § 103(a).

Lastly, the Applicant respectfully requests that the Examiner allow new Claims 29-36.

In conclusion, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



Seth Weinfeld

Registration No: 50,929

SCULLY, SCOTT, MURPHY & PRESSER  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
516-742-4343

SW:ae